

E-filed 6/5/07

SCOTT N. SCHOOLS, SC SBN 9990
 United States Attorney
 JOANN M. SWANSON, CSBN 88143
 Assistant United States Attorney
 Chief, Civil Division
 EDWARD OLSEN, CSBN 214150
 Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
 San Francisco, California 94102
 Telephone: (415) 436-6915
 FAX: (415) 436-6927

Attorneys for Defendants

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

JIE YAO,

Plaintiff,

v.

EMILIO T. GONZALEZ, Director, Director
 of the U.S. Citizenship and Immigration
 Services,

Defendants.

No. C 07-1162 JF

**STIPULATION TO EXTEND DATE OF
 CASE MANAGEMENT CONFERENCE;
 AND [PROPOSED] ORDER**

The plaintiff, by and through her attorney of record, and defendants, by and through their attorneys of record, hereby stipulate, subject to approval of the Court, to a 60-day extension of the case management conference in this case, based on the following:

1. The plaintiff filed an application for naturalization with the United States Citizenship and Immigration Services (USCIS) on September 12, 2005.
2. As part of its processing of the naturalization application, the USCIS asked the FBI to conduct a name check of the plaintiff.
3. The plaintiff was interviewed by the USCIS on her naturalization application on January 26, 2006.
4. To date, the FBI has not yet completed the name check of the plaintiff.
5. On February 27, 2007, the plaintiff filed an action under 8 U.S.C. § 1447(b), which

STIPULATION TO EXTEND DATE OF CMC
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1 provides that if the USCIS has failed to make a determination on an individual's application for
2 naturalization within 120 days after the date on which the applicant is examined, the applicant may
3 apply to the United States District Court for a hearing on the matter, and the District Court "may
4 either determine the matter or remand the matter, with appropriate instructions, to the Service to
5 determine the matter." 8 U.S.C. § 1447(b).

6 6. The parties respectfully ask this Court to extend the date of the case management
7 conference, currently scheduled for June 8, 2007, for approximately sixty days in light of the
8 reasonable possibility that the FBI will complete the name check within that period of time and the
9 USCIS can then adjudicate the naturalization application.

10 7. The parties ask this Court to re-schedule the case management conference for August 10,
11 2007, at 10:30 a.m.

12
13 Dated: June 4, 2007

Respectfully submitted,

14 SCOTT N. SCHOOLS
15 United States Attorney

16 /s/
EDWARD A. OLSEN
17 Assistant United States Attorney
Attorneys for Defendants

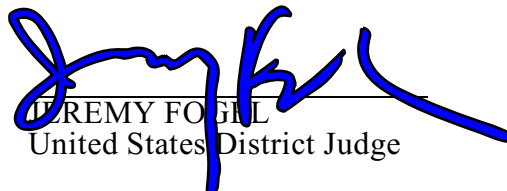
18
19 Dated: June 4, 2007

20 /s/
DANIEL HUANG
Attorney for Plaintiff

21 **ORDER**

22
23 Pursuant to stipulation, IT IS SO ORDERED.

24 Date: 6/5/07

25 
JEREMY FOGEL
United States District Judge